

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
Sean M. Blakely (SBN 264384)
sblakely@haineslawgroup.com
Neil M. Larsen (SBN 276490)
nlarsen@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JUAN L. DAVILA as an individual and
on behalf of all others similarly situated,
Plaintiff,

vs.

OMNIMAX INTERNATIONAL, U.S.A.,
INC., a California Corporation;
EURAMAX INTERNATIONAL, INC., a
Delaware Corporation; and DOES 1
through 100,
Defendants.

Case No. 5:18-cv-02069-TJH-SP

*[Assigned to the Hon. Terry J.
Hatter, Jr.]*

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: November 7, 2022
Time: UNDER SUBMISSION
Courtroom: 9B

Action Filed: July 3, 2018
Trial: None Set

1 NOTICE IS HEREBY GIVEN that on November 7, 2022, or as soon
2 thereafter as the matter may be heard in Courtroom 9B of the United States District
3 Court for the Central District of California, located at 350 West 1st Street, Los
4 Angeles, California 90012, before the Honorable Judge Terry J. Hatter, Plaintiff
5 Juan L. Davila, and on behalf of all others similarly situated, will and hereby does
6 move this Court for entry of an Order pursuant to Fed. R. Civ. Proc. 23(e) and 29
7 U.S.C. § 216(b):

- 8 1. Preliminarily certifying the proposed Settlement Class for settlement
9 purposes under Rule 23(e) of the Federal Rules of Civil Procedure;
- 10 2. Preliminarily certifying the settlement collective for settlement
11 purposes under the Fair Labor Standards Act (“FLSA”);
- 12 3. Preliminarily appointment of Plaintiff Juan L. Davila as Class
13 Representative;
- 14 4. Preliminary appointment of Paul K. Haines and Sean M. Blakely of
15 Haines Law Group, APC, as Class Counsel;
- 16 5. Preliminarily approving the class action settlement based upon the terms
17 set forth in the Class and Collective Action Settlement Agreement
18 (“Settlement Agreement”);
- 19 6. Scheduling a final fairness hearing to consider final approval of the
20 Settlement Agreement, entry of a proposed final judgment, Class
21 Counsel’s Motion for Reasonable Attorneys’ Fees and Costs, and the
22 Class Representative’s Service Award;
- 23 7. Appointment of Phoenix Settlement Administrator, as the third-party
24 settlement administrator for mailing notices and otherwise administering
25 the settlement; and
- 26 8. Approval of the proposed Class Notice, proposed Request for Exclusion
27 Form, and proposed Objection Form (collectively, the “Notice Packet”),
28 and an order that it be disseminated to the proposed Settlement Class as

provided in the Settlement Agreement.

This Motion is based on this Notice of Motion, the attached Memorandum of Points and Authorities, the declarations of Sean M. Blakely, Paul K. Haines, Plaintiff Juan L. Davila, and Jodey Lawrence of Phoenix Settlement Administrators and the exhibits attached thereto, the pleadings and other papers filed in this action, and on any further oral or documentary evidence or argument presented at the time of hearing.

This Motion is made in compliance with Local Rule 7-3. Defendant does not intend to oppose this Motion. *See* Declaration of Sean M. Blakely filed concurrently herewith, ¶ 28.

Dated: October 7, 2022

Respectfully submitted,
HAINES LAW GROUP, APC

By: /s/ Sean M. Blakely
Paul K. Haines
Sean M. Blakely
Attorneys for Plaintiff Juan L. Davila